

STATE OF TEXAS


§

COUNTIES OF TARRANT AND DENTON

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I, RONALD GONZALES, Assistant to the City Secretary of the City of Fort Worth, Texas do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 14875, duly presented and adopted by the City Council of the City of Fort Worth, Texas, at a regular session held on the 4th day of December, A. D. 2001, as same appears of record in the Office of the City Secretary.

WITNESS MY HAND and the Official Seal of the City of Fort Worth, Texas, this the 11th day of December, A. D. 2001.


Ronald Gonzales
Assistant to the City Secretary
City of Fort Worth, Texas

ORDINANCE NO. 14875

AN ORDINANCE AMENDING CHAPTER 30, "STREETS AND SIDEWALKS" OF THE CODE OF THE CITY OF FORT WORTH (1986), AS AMENDED, BY ADDING SECTION 30-7, "SOLICITATIONS" TO ALLOW SOLICITATION OF CONTRIBUTIONS ON TRAFFIC MEDIANS, SHOULDERS, IMPROVED SHOULDERS, SIDEWALKS, OR THE IMPROVED PORTION OF A ROADWAY; AMENDING SECTION 30-2, "DISTRIBUTING, SELLING OR SOLICITING ON MEDIANS AND TRAFFIC ISLANDS" BY DELETING THE REFERENCE TO SOLICITING DONATIONS; AMENDING SECTION 22-284, "SOLICITATIONS" OF CHAPTER 22, "MOTOR VEHICLE AND TRAFFIC", BY DELETING REFERENCE TO CONTRIBUTIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the current City Code of the City of Fort Worth prohibits all solicitation on and along public roadways within the city limits; and

WHEREAS, the current City Code also bans the solicitation of donations of any kind on any median or traffic island within any right of way of any street, alley or thoroughfare; and

WHEREAS, the City Council received a request for an exception to the prohibition on solicitation of funds; and

WHEREAS, on July 17, 2001, the City Council directed the Safety and Community Development Committee to study a possible amendment of the applicable provisions of the City Code to allow for limited solicitation on and along the streets and roadways in the City; and

WHEREAS, on recommendation of the Safety and Community Development Committee, the City Council desires to provide opportunities to solicitors who wish to solicit

contributions on or along roadways, streets or thoroughfares in the City, and

WHEREAS, the City Council deems it necessary to place reasonable time, place and manner restrictions on solicitations of contributions in order to protect the safety of motorists and pedestrians and to maintain the orderly flow of traffic at intersections;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, AS FOLLOWS:

SECTION 1.

Chapter 30, Article I, of the City Code of the City of Fort Worth, "Streets and Sidewalks", "Pedestrians", is amended by adding Section 30-7, "Solicitations", to provide for limited solicitation of contributions on a traffic curbed median, shoulder, improved shoulder, sidewalk, streets or roadways to read as follows:

(A) Notwithstanding any other provisions of the City Code, a person eighteen years of age or older may solicit contributions while standing on a traffic median, shoulder, improved shoulder, sidewalk, or the improved portion of the roadway from occupants of any vehicle on a roadway, street or thoroughfare under the following terms and conditions:

- 1) All solicitors must be eighteen (18) years of age or older;
- 2) No solicitor may impede traffic at any time;
- 3) All solicitors must enter or remain in a roadway, street or thoroughfare only while the controlling traffic signal prohibits vehicular movement;
- 4) All solicitors must remain within 100 feet of or from the intersection approved under the permit;
- 5) No person may solicit without the required insurance coverage as outlined in Section (D) of this Ordinance;
- 6) All solicitors must wear a City approved florescent orange or yellow vest at all times while soliciting;
- 7) No person may solicit until:
 - (a) a sign approved by the City is posted, no less than 500 feet from the intersection, in the right parkway for each approaching lane of traffic up to two lanes wide; or
 - (b) two signs approved by the City are posted, no less than 500 feet from the intersection, in both the left and right side parkway of approaching lanes of traffic of three or more lanes; and
- 8) No person may solicit until a permit is issued from the Transportation and Public Works Department per the terms of this Ordinance.

(B) **Signs and Vests.** Prior to the issuance of a permit, applicant must obtain approval from the City Transportation and Public Works Department of all signs and vests to be used by the solicitors. All signs must be removed from each intersection at the end of each day of the permit period.

(C) **Permits.**

- 1) Each person or organization, whose application meets the requirements of this Section, may be issued one permit per calendar year, for no more than two (2) specified days. Each permit shall allow solicitation only between the hours of 9:00 a.m. and one hour before sunset, as determined by the official newspaper or a paper of general circulation in the City.
- 2) Only one permit will be issued for an intersection on any given day. Permits will be issued on a first come basis to those applicants who submit a completed application form, required certificate of insurance and approval by the City of the signs and vests to be used by the solicitors.
- 3) The application for a solicitation permit shall state the name, mailing address and telephone number of the person or organization registering to solicit and the location(s) and times the solicitation will take place.
- 4) Permit applications must be accompanied by a certificate of insurance as outlined in Section (D) of this Ordinance.
- 5) The City Transportation and Public Works Department shall review the application and issue a permit to a person or organization whose application meets the requirements of this Ordinance.

(D) **Insurance.** The certificate of insurance must be signed by an agent authorized to bind coverage and indicate that the applicant has obtained, at his sole expense, the following insurance coverage:

- 1) That is written by an insurance company with an A- or better rating by AM Best and that is admitted or approved to do business in the State of Texas;
- 2) That is in full force and effect for the duration of the permit period;
- 3) That provides one million (\$1,000,000) dollars of liability coverage per occurrence with no deductible;
- 4) That insures the applicant and all persons who will be soliciting;
- 5) That names the City of Fort Worth, its officers, agents, employees, and elected representatives as an additional insured;
- 6) That provides that any insurance or self-insurance maintained by the City shall apply in excess of and not contribute with it;
- 7) That is written on an occurrence basis; and
- 8) That is otherwise acceptable to and approved by the City of Fort Worth.

(E) **Prohibited Intersections.** No person shall engage in the acts set forth in this Ordinance at any time within 1,000 feet (measured to and from the nearest corner of the intersecting street, highway, roadway, measured along the curb, shoulder, improved

shoulder) of the following intersections:

7TH ST & HENDERSON ST
ALTAMESA BLVD & MCCART AVE
ALTAMESA BLVD & WESTCREEK DR
BELKNAP & N HENDERSON
BERRY ST & BISHOP ST
CALMONT AVE & ALTA MERE DR
CAMP BOWIE BLVD & HORNE ST
CLINTON AVE & NW 25TH ST
COMMERCE ST & EAST. WEATHERFORD ST
EAST LANCASTER & MAIN STREET
GRANBURY RD & SOUTH HULEN ST
HEMPHILL ST & WEST ROSEDALE ST
HOUSTON STREET & WEST 4TH STREET
HULEN STREET & OAKMONT STREET
HWY 170 & INDEPENDENCE PKWY
HWY 360 & TRINITY BLVD
HWY 80 & ALTA MERE DR
IH 30 & ASHLAND AVE
IH30&BEACH ST
IH 30 & EASTCHASE PKWY
IH 30 & HULEN ST
IH 35W & ALTAMESA BLVD
IH 35W & EAST ALLEN AVE
IH 35W & EAST EVERMAN PKWY
IH 35W & EAST HATTIE ST
IH 35W & EAST ROSEDALE ST
IH 35W & EAST SEMINARY DR
IH 35W & GOLDEN TRIANGLE BLVD
IH 35W & NE 28TH ST
IH 35W & SYCAMORE SCHOOL RD
IH 35W & WESTERN CENTER BLVD
IH 35W SR & EAST BERRY ST
LANCASTER AVE & JENNINGS AVE
LANCASTER AVE & RIVERSIDE DR
MONTGOMERY ST & LOVELL AVE
NE 28TH ST & COMMERCE STREET
NE 28TH ST & DECATUR AVE
NE 28TH ST & NORTH MAIN ST
NE LOOP 820 & MARK IV PKWY
NE LOOP 820 & NORTH BEACH ST
NORTH MAIN STREET & LONG STREET
NW 28TH ST & CLINTON AVE
RIVERSIDE DR & EAST BERRY ST
ROSEDALE ST & FOREST PARK BLVD

ROSEDALE ST & SOUTH BEACH ST
SEMINARY DR & HEMPHILL ST
SEMINARY DR & MCCART AVE
SOUTHWEST BLVD SR & BRYANT IRVIN RD
SW LOOP 820 & BRYANT IRVIN RD
SW LOOP 820 & CROWLEY RD
SW LOOP 820 & GRANBURY RD
SW LOOP 820 & MCCART AVE
SW LOOP 820 & SOUTH HULEN STREET
THROCKMORTON ST & WEST 7TH ST
UNIVERSITY DRIVE & WEST ROSEDALE ST
WEST ROSEDALE ST & 8TH AVE
WESTERN CENTER BLVD & NORTH BEACH STREET
WESTERN CENTER BLVD & NORTH RIVERSIDE DR

SECTION 2.

Section 30-2, "Distributing, selling or soliciting on medians and traffic islands" of Chapter 30, Article I, the City Code of the City of Fort Worth,, "Streets and Sidewalks", is amended by deleting the words "to solicit donations of any kind" to read as follows:

It shall be unlawful for any person to distribute or to sell or offer for sale any goods, wares, merchandise, or thing of value on any median or traffic island within any right-of-way for any street, alley or thoroughfare in the city.

SECTION 3.

Section 22-284, "Solicitations" of Chapter 22, Article VIII, the City Code of the City of Fort Worth, "Motor Vehicles and Traffic, Pedestrians", is amended by deleting the words "contributions" in subsection (a) to read as follows:

- (a) No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

SECTION 4.

All provisions of Sections 30-2, "Distributing, selling or soliciting on medians and traffic islands" of Chapter 30, Article I, and 22-284, "Solicitations" of Chapter 22, Article VIII, shall remain in full force and effect without change, except as expressly amended herein.

SECTION 5.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 6.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 8.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. 3011, Ordinance No. 13896 or any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 9.

That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish this

ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by V.T.C.A. Local Government Code Subsection 52.013.

SECTION 10.

That this ordinance shall take affect upon adoption and publication as required by law.

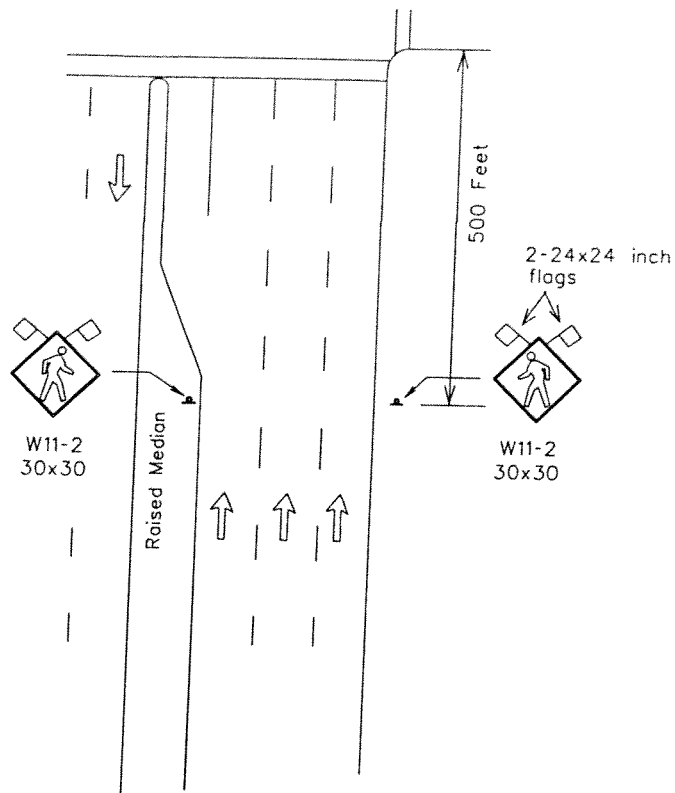
APPROVED AS TO FORM AND LEGALITY

David Yett, City Attorney

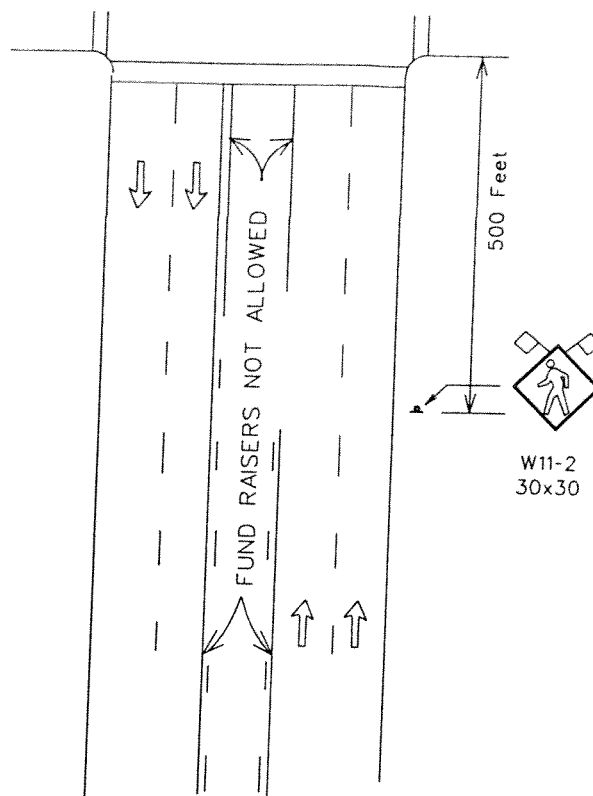
By: *Sarah J. Hellebrand*
Assistant City Attorney

ADOPTED: 12-4-01

EFFECTIVE: 12-4-01



MEDIAN OR
ONEWAY STREET



STRIPED LEFT TURN LANE

REQUIREMENTS

1. All fund raisers must be eighteen (18) years of age or older.
2. No fund raiser may impede traffic at any time.
3. Fund raiser may enter or remain in roadway only while the controlling traffic signal is red.
4. All fund raisers must remain within 100 feet or less from the intersection approved under the permit.
5. Construction vests conforming to current TMUTCD are required for each fund raiser person.
6. Time restrictions: 9AM to one (1) hour before sunset.

This plan is submitted for TCP. I certify this plan will be used for the following intersection:

_____ and _____

Signature:

Date:

DATE: 12/05/2001

CITY OF FORT WORTH
TRANSPORTATION
AND
PUBLIC WORKS

FUND RAISER TCP

Note:

PLAN "FR"